

Serial No. 10/619,412

Docket No. 2280-001

REMARKS

Applicant wishes to cancel claim 10 currently on file.

Examiner has rejected claim 17 under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claim 17 to more clearly define the orientation of the user relative to the straddle edge, being in a prone position as described in the specification, when the user's weight is supported on the seat. Further Applicant has more clearly defined that the seat member is mated with the straddle edges.

Claim 1 has been rejected under 35 USC 102(b) as being anticipated by Baker.

Applicant has amended claim 1 to include the subject matter of claim 10 which Examiner has indicated is patentable. Thus claim 1 now contains patentable subject matter and is in condition for allowance.

Claims 9 and 17 are rejected under 35 USC 103(a) as being unpatentable over Baker.

Claim 9 depends from a claim which is now in condition for allowance and is therefore also in condition for allowance.

Claim 17 has been amended to more clearly define the position of a user relative to the straddle edge when the user's weight is supported by the seat member. Respectfully, the apparatus of Baker is inoperative to support a user seated on the shelf in a prone position, which is as described in the specification as being sitting and leaning face down ranging from an almost upright position to a more forward and flat position.

Thus Applicant believes that claim 17 is distinguished from the apparatus of Baker and is in condition for allowance.

Examiner has objected to claims 2-8 and 10-16 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent for including all of the limitations of the base claim and any intervening claims.

As previously stated, claim 1 has been amended to include the subject matter of claim 10 which is allowable and thus the remaining claims 2-8 and 11-16 are now dependent from a claim which contains allowable subject matter and are therefore also in condition for allowance.

Serial No. 10/619,412

Docket No. 2280-001

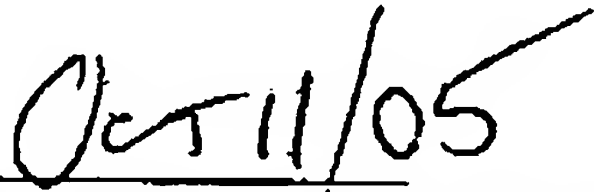
Applicant has added new claims 18-20. Applicant believes no fees are due for the addition of claims 18-20 as claim 10 is cancelled, the total number of claims being 19 and the number of independent claims being 3.

Claim 18 is distinguished from the apparatus of Baker as the straddle edge is defined as being at an acute angle relative to the base edge. In the apparatus of Baker the folded edges are at 90 degrees to the base edge and therefore do not position the folded edge at an acute angle relative to the base. Thus, Baker does not teach all of the elements of claim 18, nor would one be directed to position the folded edge at an acute angle relative to the base as there is no contemplation in Baker to position the panels in anything other than a vertical position. Claims 19 and 20 depend from claim 20 and therefore are also distinguished over Baker.

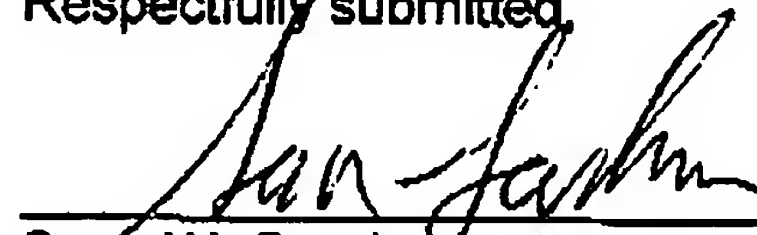
Applicant respectfully requests reconsideration of claims 1-9 and 11-20 now on file.

Respectfully submitted,

Date:



Via Fax to TC 3838 (Before Final) 1-571-273-8300


Sean W. Goodwin #39,568
Agent for the Applicant

Goodwin McKay
Suite 360, 237-8th Ave. S.E.
Calgary, AB T2G 5C3
CANADA
Ph: (403) 203-0107
Fx: (403) 203-0403
sean@patentfile.com